

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SHIRLEY CRAIG, *et al.*

v.

RITE AID CORPORATION, *et al.*

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: 4:08-cv-02317-JEJ
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**NOTICE OF PLAINTIFFS' MOTION FOR PRELIMINARY
APPROVAL**

PLEASE TAKE NOTICE that on July 10, 2012, or as soon thereafter as counsel may be heard before the Honorable John E. Jones III, or whomever may be sitting in his stead, in the United States District Court for the Middle District of Pennsylvania, Harrisburg Vicinage, Federal Building & U.S. Courthouse, 228 Walnut Street, P.O. Box 983 Harrisburg, Pennsylvania 17108, the undersigned counsel for Plaintiffs shall move, pursuant to § 16(b) of the Fair Labor Standards Act ("FLSA") and Rule 23 of the Federal Rules of Civil Procedure, for an order:

- 1) granting preliminary approval of the proposed Settlement;
- 2) preliminarily certifying, for settlement purposes only and pursuant to the terms of the Settlement Agreement between the parties, the proposed collective class pursuant to Section 16(b) of the FLSA and the proposed state law class pursuant to Rule 23 of the Federal Rules of Civil Procedure, as described in the Second Consolidated Amended Collective/Class Action

Complaint (“Second Amended Complaint”), and below, all for the purposes of providing notice to the members of the proposed Settlement Classes;

- 3) approving the form and content of and directing the distribution of the proposed Notice, Claim Form and Consents to Join and Release, annexed to the Settlement Agreement, as Exhibits C & D;
- 4) appoint Lead Counsel and Settlement Class Counsel as representing the Plaintiffs and classes named in the Second Amended Complaint and in the Settlement Agreement for purposes of the Settlement;
- 5) appointing the Plaintiffs named in the Second Amended Complaint as Settlement Class Representatives;
- 6) appointing Garden City Group, Inc. as Claims Administrator;
- 7) pursuant to 28 U.S.C. § 1651(a), enjoining all members of the proposed Settlement Classes from initiating or proceeding with any and all suits, actions, causes of action, claims, or demands in federal or state court based on putative violations of the FLSA or any state or local law (including statutory, regulatory, and common law) pertaining to hours of work or payment of wages, including without limitation all claims that were asserted or could have been asserted by or on behalf of salaried Assistant Store Managers and salaried Co-Managers who worked for Rite Aid within the applicable proposed Class Periods through the date of dismissal of the following lawsuits:

Ralph Cedano & Donna Garcia v. Rite Aid Corporation, et al., 2:10-cv-00237 (D. Oregon);

Shirley Craig v. Rite Aid Corporation, et al., 4:08-cv-02317 (M.D. Pa.);

Sheryl Doyon v. Rite Aid Corporation, et al., 2:11-cv-00168 (D. Me.);

Larry Eaton, et al. v. Rite Aid of Pennsylvania, Inc., et al., Case ID: 090400455, Philadelphia Court of Common Pleas;

James Fisher v. Rite Aid Corporation, et al., 1:10-cv-01865 (M.D. Pa.);

Jose Fermin v. Rite Aid Corporation, et al., 1:08-cv-11364 (S.D.N.Y.);

Rene Hough v. Rite Aid Corporation, et al., 1:11-cv-2212 (M.D. Pa.);

Eddie Ibea v. Rite Aid Corporation, et al., 1:11-cv-05260 (S.D.N.Y.);

Daniel Knepper v. Rite Aid Corporation, et al., 1:09-cv-2069 (M.D. Pa.);

Lisa Laun and Deshawn Powell v. Rite Aid Corporation, Case ID: 090600789, Philadelphia Court of Common Pleas;

Robin Mazzantini v. Rite Aid Corporation, et al., 1:11-cv-02324 (M.D. Pa.);

Angel Quinones & Thomas Finley v. Rite Aid Corporation, et al., 1:12-cv-00870 (M.D. Pa.);

Priscilla Thomas v. Rite Aid of New Jersey, Inc., et al., 1:09-cv-05878 (D.N.J.);

Justin Torres v. Rite Aid Corporation, et al., 3:09-cv-02922 (D.N.J.); and

Yvon Witty, et al. v. Rite Aid Corporation, et al., 1:11-cv-00013 (S.D.N.Y.).

- 8) set the final fairness hearing for a date no earlier than one hundred (100) days from the date of this motion, as required by 28 U.S.C. § 1715, at the Middle District of Pennsylvania, Harrisburg Vicinage.

PLEASE TAKE FURTHER NOTICE that Plaintiffs will rely on the supporting memorandum and declaration submitted in support of this motion and all proceedings heretofore had in this proceeding. A proposed order accompanies this motion.

Dated: June 15, 2012
Rye Brook, New York

Respectfully submitted,

s/ Seth Lesser

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